

February 26, 2004

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 3

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received, filed and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item Page -2003 (L.L. Intro. 15-1)  
a. **LARSON, SWANICK, McCARVILLE, CHASE, FALKNER & CUSACK:** A LL Req  
Prior Written Notice of Defective, Out of Repair, Unsafe, Dangerous or Obstructed Conditions  
of Any Street Etc. & Water, Snow, Etc.  
(5-0)

2. RESOLVED, that the following items are hereby received and filed.

Item Page -2003 (Intro. 1-2)  
a. **DEBENEDETTI:** Position Restoration in 2003 Budget.  
(5-0)

Item Page -2003 (Comm. 5E-15)  
b. **COUNTY EXECUTIVE:** Establishing EC Regional Assets Program.  
(5-0)

Item Page -2003 (Comm. 9E-7)  
c. **DEBENEDETTI:** Copy of Letter to Budget Director Re: Tobacco Asset Securitization.  
(5-0)

Item Page -2003 (Comm. 10E-4)  
d. **HOLT:** Copy of Letter to Budget Director Re: Residual Tobacco Funds.  
(5-0)

Item Page -2003 (Intro. 15-28)  
e. **MINORITY CAUCUS:** Establishment of a Legislative Task Force to Study EC Government  
Assistance to the City of Buffalo.  
(5-0)

Item Page -2003 (Intro. 16-6)  
f. **HOLT, MARINELLI, FISHER, DUSZA, DEBENEDETTI, DALE & SMITH:** Support for  
NYS's Tax Incremental Financing Initiative for the Bass Pro Shops Project.  
(5-0)

Item Page -2003 (Comm. 20E-3)  
g. **DALE:** Copy of Letter to Comptroller Re: Audit Request.  
(5-0)

- h. Item Page -2003 (Comm. 24E-14)  
**COUNTY EXECUTIVE:** Staffing Reductions – Re-Engineering County Services.  
(5-0)
- i. Item Page -2004 (Comm. 5D-4)  
**BUDGET, MANAGEMENT & FINANCE:** Copy of Letter to Chairman Holt Detailing  
Residual Payments.  
(5-0)
- j. Item Page -2004 (Comm. 5D-6)  
**BUDGET, MANAGEMENT & FINANCE:** Copy of Letter to Legislator DeBenedetti Re:  
Erie Tobacco Asset Securitization Corporation.  
(5-0)
- k. Item Page -2004 (Comm. 5E-2)  
**COMPTROLLER:** Investment Earnings Report for 2003.  
(5-0)
- l. Item Page -2004 (Comm. 5E-3)  
**COMPTROLLER:** Cost of Borrowing Report & Scheduled Maturities Chart for Pension  
Serial Bonds & Public Improvement Bonds Sold 12/03 & 1/04.  
(5-0)
- m. Item Page -2004 (Comm. 5M-9)  
**XSPAND:** Copy of Letter to Chairman Holt Re: Resolution Titled “Allowing Property Owners  
to Make Payments & Avoid Foreclosure.”  
(5-0)
- n. Item Page -2004 (Intro. 5-5)  
**RANZENHOFER, MINORITY CAUCUS:** Erie County’s Excellence in Financial  
Reporting.  
(5-0)
- o. Item Page -2004 (Intro. 5-11)  
**DEBENEDETTI:** Erie Tobacco Asset Securitization Corporation & Erie County’s Tobacco  
Proceeds.  
(5-0)
3. Item Page -2003 (Intro. 6-12)  
**DEBENEDETTI**  
WHEREAS, the County of Erie has a surplus Mita DC- 3055 copier, County property number  
192400, and

WHEREAS, the surplus copier is currently not being used and is presently stored in Erie County Legislator AI DeBenedetti’s district office located at 155 Lawn Avenue Buffalo, New York 14207, and

WHEREAS, the Northwest Buffalo Community Center's Senior Case Management Department could place the surplus copier into viable and valuable use, and

WHEREAS, the Northwest Buffalo Community Center will be responsible for all supplies and maintenance needed for the Mita DC-3005 copier going forward,

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Erie County Legislator AI DeBenedetti to donate the Mita DC-3055 copier to the Northwest Buffalo Community Center to be utilized by the Senior Case Manager, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Erie County Bureau of Purchase Joseph X. Martin and the Northwest Buffalo Community Center's Board.

Fiscal Impact: To Be Determined.  
(5-0)

**AS AMENDED**  
(Comm. 1D-21)

4. Item Page -2003  
**BUDGET, MANAGEMENT & FINANCE**

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications ( see attached listing ) now therefore be it,

RESOLVED, that petitions numbered 204063 through 204096 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

<b>FISCAL YEAR</b>	2004	Petition No.	<b>204063</b>
	ASSESSOR	<b>Cancel</b>	\$150.18

**S-B-L** 118.00-3-21.1 **142089 ALDEN**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$150.18	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>142089 ALDEN</b>		<b>\$150.18</b>



**Charge To :                    142089 ALDEN                    \$64.49**

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE ALDEN COMMUNITY CHURCH AND IS WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

**FISCAL YEAR 2004                    Petition No.                    204067**

                                 ASSESSOR                    **Cancel**                    \$165.69

**S-B-L 129.00-3-8                    142089 ALDEN**

                                 Acct. No. 112                    \$0.00    County  
                                 Acct. No. 132                    \$165.69    Town/SpecialDist/School

**Charge To :                    142089 ALDEN                    \$165.69**

CANCEL - CLERICAL ERROR, THIS IS A SINGLE FAMILY HOME AND SHOULD ONLY BE CHARGED FOR ONE UNIT OF REFUSE. RPTL 550(2)E

**FISCAL YEAR 2004                    Petition No.                    204068**

                                 ASSESSOR                    **Refund**                    \$140.16

**S-B-L 55.17-1-4                    142289 AMHERST**

                                 Acct. No. 112                    \$64.64    County  
                                 Acct. No. 132                    \$75.52    Town/SpecialDist/School

**Charge To :                    142289 AMHERST                    \$75.52**

REFUND - CLERICAL ERROR , THE SENIOR EXEMPTION IN THE AMOUNT OF 33,250 SHOULD BE 47,500. RPTL 550(2)B  
CHECK FOR: DONNA MAUNZ

**FISCAL YEAR 2004                    Petition No.                    204069**

                                 ASSESSOR                    **Cancel**                    \$294.31

**S-B-L 16.00-1-23                    142289 AMHERST**

                                 Acct. No. 112                    \$99.84    County  
                                 Acct. No. 132                    \$194.47    Town/SpecialDist/School  
22027 NORTH AMHERST # 10                    \$72.77

**Charge To :                    142289 AMHERST                    \$121.70**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 70,000 AND SHOULD BE 48,000.  
RPTL 550(2)A

**FISCAL YEAR 2003                    Petition No.                    204070**

**ASSESSOR                    Cancel                    \$274.50**

**S-B-L 80.20-4-17                    143089 CHEEKTOWAGA**

Acct. No. 112                    \$0.00    County  
Acct. No. 132                    \$274.50    Town/SpecialDist/School

**Charge To :                    143089 CHEEKTOWAGA                    \$274.50**

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 26,235 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2003                    Petition No.                    204071**

**ASSESSOR                    Cancel                    \$820.91**

**S-B-L 90.12-2-47                    143089 CHEEKTOWAGA**

Acct. No. 112                    \$296.59    County  
Acct. No. 132                    \$524.32    Town/SpecialDist/School

**Charge To :                    143089 CHEEKTOWAGA                    \$524.32**

CANCEL- CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 41,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204072**

**ASSESSOR                    Cancel                    \$128.84**

**S-B-L 91.05-1-28                    143089 CHEEKTOWAGA**

Acct. No. 112                    \$46.55    County  
Acct. No. 132                    \$82.29    Town/SpecialDist/School

**Charge To :                    143089 CHEEKTOWAGA                    \$82.29**



**Charge To :                    143089 CHEEKTOWAGA                    \$137.90**

CANCEL - CLERICAL ERROR, THE NFTA OWNS THIS PROPERTY AND THE EXEMPTION WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204076**

ASSESSOR                    **Cancel**                    \$143.91

**S-B-L 92.13-2-22                    143089 CHEEKTOWAGA**

Acct. No. 112                    \$36.89    County  
Acct. No. 132                    \$107.02    Town/SpecialDist/School

30023 FIRE # 4 U CREST                    \$7.97

**Charge To :                    143089 CHEEKTOWAGA                    \$99.05**

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY NFTA AND THE EXEMPTION WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204077**

ASSESSOR                    **Cancel**                    \$1,051.17

**S-B-L 92.18-2-18                    143089 CHEEKTOWAGA**

Acct. No. 112                    \$379.78    County  
Acct. No. 132                    \$671.39    Town/SpecialDist/School

**Charge To :                    143089 CHEEKTOWAGA                    \$671.39**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 52,500 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004                    Petition No.                    204078**

ASSESSOR                    **Cancel**                    \$2,797.84

**S-B-L 102.02-3-6                    143089 CHEEKTOWAGA**

Acct. No. 112                    \$705.30    County  
Acct. No. 132                    \$2,092.54    Town/SpecialDist/School

30022 FIRE # 3 FORKS                    \$194.59



CANCEL - CLERICAL ERROR, THIS IS A DUPLICATE PARCEL . RPTL 550(2)F

**FISCAL YEAR** 2004                      Petition No.                      **204082**

ASSESSOR                      **Cancel**                      \$1,512.59

**S-B-L** 630.89-9999-131.                      **143089 CHEEKTOWAGA**

Acct. No. 112                      \$537.61                      County

Acct. No. 132                      \$974.98                      Town/SpecialDist/School

30300 ERIE CO SEW DST 1                      \$24.58

**Charge To :**                      **143089 CHEEKTOWAGA**                      **\$950.40**

CANCEL - CLERICAL ERROR, THIS IS A DUPLICATE PARCEL. RPTL 550(2)F

**FISCAL YEAR** 2004                      Petition No.                      **204083**

ASSESSOR                      **Cancel**                      \$235.00

**S-B-L** 180.67-1-22                      **144889 HAMBURG**

Acct. No. 112                      \$0.00                      County

Acct. No. 132                      \$235.00                      Town/SpecialDist/School

48119 ERIE CO SEW DST 2                      \$235.00

**Charge To :**                      **144889 HAMBURG**                      **\$0.00**

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT BE CHARGED FOR A SEWER UNIT. RPTL 550(2)E

**FISCAL YEAR** 2004                      Petition No.                      **204084**

ASSESSOR                      **Cancel**                      \$235.22

**S-B-L** 113.57-2-12                      **143089 CHEEKTOWAGA**

Acct. No. 112                      \$84.98                      County

Acct. No. 132                      \$150.24                      Town/SpecialDist/School

**Charge To :**                      **143089 CHEEKTOWAGA**                      **\$150.24**





CANCEL - CLERICAL ERROR, THE LIMITED PARTNERSHIP EXEMPTION IN THE AMOUNT OF 405,850 WAS OMITTED IN ERROR FROM THE TAX ROLL.  
RPTL 550(2)C

**FISCAL YEAR 2004**      Petition No.      **204091**  
  
ASSESSOR                      **Cancel \$ 349.81**

**S-B-L 246.19-3-5**

Acct. No. 112                      166.88    County  
Acct. No. 132                      182.93    Town/SpecialDist/School

50020 HOLLAND FIRE DIST #1      \$51.64  
50050 ERIE CO SEW DST 3              \$15.10

**Charge To :                      145000 HOLLAND                      \$ 116.19**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 44,000 AND SHOULD BE 10,000.  
RPTL 550(2)A

**FISCAL YEAR 2004**      Petition No.      **204092**  
  
ASSESSOR                      **Cancel \$860.33**

**S-B-L 247.00-3-36.11**                      **145000 HOLLAND**

Acct. No. 112                      \$512.54    County  
Acct. No. 132                      \$347.79    Town/SpecialDist/School

**Charge To :                      145000 HOLLAND                      \$347.79**

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 50,759 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004**      Petition No.      **204093**  
  
ASSESSOR                      **Cancel \$134.10**

**S-B-L 263.16-1-12.1**                      **145000 HOLLAND**



S-B-L 134.19-1-19

146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$31.74	Town/SpecialDist/School
	68025 W SENECA FIRE #6	\$3.58	
<b><u>Charge To :</u></b>	<b>146800 WEST SENECA</b>	<b>\$28.16</b>	

REFUND - CLERICAL ERROR, THE VOLUNTEER FIREMAN'S EXEMPTION IN THE AMOUNT OF 1,755 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
CHECK FOR: EDWIN & LISA LEHSTEN  
(5-0)

5. Item Page -2004 **AS AMENDED**  
(Comm. 4E-55)  
**COUNTY EXECUTIVE**  
WHEREAS, your Honorable Body approved the establishment of capital projects to initiate and implement a new integrated financial/human resource system for Erie County, and

WHEREAS, the original "go live" date of the project has been delayed in order to resolve, various issues which emerged towards the end 2003, and

WHEREAS, the Department of Information and Support Services' Enterprise Resource Planning (ERP) project, utilizes the services of qualified consultants, IBM and their local partner, Globalquest, and

WHEREAS, it is essential for the completion of the project that the Legislature provide the County Executive with the authority to contract with IBM and Globalquest, to expand the original scope of their engagement and to extend the maximum allowable contractual amount established in the original resolution, by \$5,000,000, and

WHEREAS, Lumsden & McCormick, LLP issued an "Operational Study of Certain Functions of Government" to the County on February 6, 2003, and

WHEREAS, that study identified a potential annual savings of \$250,000 available to the County to reorganize the Comptroller's Office Accounts Payable function, and

WHEREAS, additional staffing is required in the Comptroller's Office in order to meet "go live" accounts payable requirements, and

WHEREAS, the County ERP Project Executive Review Committee has approved these recommendations,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with IBM and their local partner, Globalquest, to expand the original scope of their engagement and to extend the maximum allowable contractual amount, by \$5,000,000, and be it further

RESOLVED, that the 2004 Erie County Capital Budget is hereby amended to establish a 2004 Enterprise Resource Planning System capital project in the amount of \$5,000,000, and be it further

RESOLVED, that the source of funds for this project shall be \$5,000,000 in available funds from Tobacco Trust Fund proceeds, and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to create one position of Chief Account Clerk, Job Group 7, and five positions of Data Processing Control Clerk, Job Group 5, in the Office of the Comptroller, in order to provide proper staffing for the accounts payable function, and be it further

RESOLVED, that funding for these positions shall be obtained from the ERP capital project through the reimbursement of ERP implementation related operating fund expense in the Division of Information and Support Services, and be it further

RESOLVED, that funding for these positions be established in the operating fund as follows:

<b>2004 Operating Fund</b>	
<u>Revenue</u>	<u>Increase</u>
Division of Information and Support Services	
Acct. 685 Interfund Revenue -Capital DISS	<u>\$192,000</u>
<b>Total Revenue</b>	<b>\$192,000</b>
<u>Appropriation</u>	<u>Increase</u>
Office of the Comptroller	
Acct. 800 Personal Services	\$148,000
Acct. 805 Fringe Benefits	<u>44,000</u>
<b>Total Appropriation</b>	<b>\$192,000</b>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Attorney, the Director of Information and Support Services, the Director of Purchasing, the Commissioner of Personnel, the County Comptroller and the Director of Budget, Management and Finance.  
(5-0)

6. Item Page -2003 (Comm. 5E-7)  
**COMPTROLLER**

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June thirty, two thousand four; and

WHEREAS, Senate Bill S. 5828 and Assembly Bill A. 9250, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June thirty, two thousand five;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S. 5828, entitled "AN ACT to amend the Local Finance Law, in relation to the sale of municipal obligations by the County of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June thirty, two thousand four; and

WHEREAS, Assembly Bill A. 9250 and Senate Bill S. 5828, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June thirty, two thousand five;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A. 9250, entitled "AN ACT to amend the Local Finance Law, in relation to the sale of municipal obligations by the County of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

(5-0)

7.	Item	Page	-2004	<b>AS AMENDED</b> (Comm. 5E-24)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, under State and Federal Law, Erie County is required to provide legal defense services to those who cannot afford an attorney, and

WHEREAS, Erie County meets a portion of this obligation by contracting with the Bar Association Indigent Defense Program, utilizing the assigned counsel model where compensation is based on rates established by New York State, and

WHEREAS, in 2003, New York State passed legislation that served to double assigned counsel fees and therefore the cost to the County for funding the Bar Association Indigent Defense Program, and

WHEREAS, the State also included in the legislation, State Aid reimbursement to county governments for a portion of the additional expense, and

WHEREAS, the 2004 Erie County Budget did not fully fund the assigned counsel program,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to increase the budget of the Department of Law, in account 830-0101, Contractual Erie County Bar, by the amount of '\$3,435,617, bringing the total annual funding for the assigned counsel program to \$7,004,263, and be it further

RESOLVED, that the source of funds for this request, shall be made available in the budget of the Department of Law, through the use of \$2,250,286 of unanticipated State revenue to be budgeted in account 627, State Aid for Indigent Defense; and through the expense transfer of \$1,185,331 from account 830, Contractual Contingency for Indigent Defense, and be it further

RESOLVED, that the Erie County Bar Association Indigent Defense Program shall submit to the County Attorney quarterly reports showing the disposition and status of the County funds provided for indigent defense, including all appropriations and denoting which attorneys have received such

funds for their services, and the County Attorney shall file those quarterly reports with the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Attorney, the County Comptroller and the Director of Budget, Management and Finance.  
(5-0)

**ALBERT DEBENEDETTI**  
**CHAIRMAN**